

## **REMARKS**

### **Claim Amendments**

The amendments to claim 53 overcome the claim objections and the section 112, second paragraph, rejections.

### **Rejections Under 35 U.S.C. § 103**

Claims are rejected as allegedly unpatentable over Garfield taken together with, independently of each other, Teutsch, Jones and Chwalis.

Each of the above references teaches one single component of a combination of the current method claims. The Office Action alleges, which applicants disagree with, that it would have been obvious to combine these references despite not one of them providing any teaching or suggestion for the combinations of the present claims. Additionally, not one of these references teaches or suggests that nitric oxide synthase inhibitors can be combined with antiprogestins in synergistically effective amounts, which is required by the methods claimed. Applicants previously provided a declaration with extensive amounts of data on studies involving three pairs of synergistically effective amounts of a nitric oxide synthase inhibitor in combination with an antiprogestin, i.e., L-name in combination with onapristone, L-name in combination with aminoguanidine, and the combination of the nitric oxide synthase inhibitor with the antiprogestin depicted by chemical structure on page 7 of the declaration. The Office Action nevertheless alleges that applicants showed “unexpected results with a pair of NOS inhibitors in combination with a single antiprogestin.” This is incorrect. Reconsideration of the data in the declaration, and thus, of the rejections, is respectfully requested.

Applicants provided actual data to rebut the rejections, which are based on mere legal principles. Whatever legitimacy thus may be to the underlying presumptions per se, such must fall in the face of actual data demonstrating the unexpected synergism of the combinations in the claimed methods contrary to the conclusions the examiner draws based on these presumptions. As clearly stated in *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963):

If that which appears, at first blush, to be obvious though new is shown by evidence *not* to be obvious then the evidence prevails over surmise or unsupported contention and a rejection based on obviousness must fall. (Emphasis added.)

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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